G. R. S. 58]

To be printed
proof attached

Previous references.
Office Note
July Trial by jury in Sessions Court
Ch 265-06-4
-175-07-1
Later references.
J.D. 301-16
Ch 233-18(1-3)
" 164-24
" 100-37(1-2)
" 100-37(3-4)

5/2/24

1913. 14 (Courts)

File No. 42-18
Serial Nos. 1-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Part B for June 1916

SUBJECT.

Jury System in Sessions Cases

5) To The Registrar Ch. Ct. J 455 07 175 16

States that Govt. are pleased to direct that the scheme of trial by jury be introduced in Bangalore and Mysore as a tentative measure for 2 years

W D 1851—GPB—20,000—13-12-15

Ingham 26/6/16.

(7) N.C. 171
22. 10. 14.

No C/113
24. 11. 43.

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(~~Cattle~~)

NOTES.

File No. 22

FILE HEADING.

Jury System in Sessions Cases.

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—30,000—12-8-11

[R. S. 12]

General and Revenue Secretariat. | C5 File No. 22 of 1913-14

Serial No.

SUBJECT No. 29.

Trial by Jury.

Mr. Girimaji Rao, Kolar Municipality.

Summary of discussion.—Jury system in Sessions Courts may be introduced.

Reply of Government.—Will be tried in Bangalore, Mysore and Shimoga.

1) This system is seen to have been in operation in 1890 in respect of certain specified offences in trials before the Sessions Court of the late Nundydroog Divn when such trials were held at Bangalore. When the Sessions Court was re-established in the second time in Bangalore in Jan'y 03, the question of trial by Jury was considered and discussed at length with the result that it was then thought wise not to force a jury upon Sessions trials. With the abolition of the 1st Sessions Court at Bangalore in July 03 the original Crl jurisdiction over the Divn was transferred to the Chief Court where Sessions trials for certain offences seem to have been conducted with the aid of a jury.

Notif'n 6.9.1890.

Office Note. Subject Trial by Jury in Sessions Courts.

Submission Note.

2) In the D.R.A. of 1907 it was prayed that all the trials before the Chief Court may be conducted with the aid of Juries but Govt thought it unnecessary to extend the system. To the representation of last year Govt have given a definite reply that it would be tried in all the Sessions Courts.

C5 175-07 Page 2.

P.T.O.

NOTE—Contn. sheet.

GPB—65,000—17-6-13.

R. S. 12]

General and Revenue Secretariat.

C5 File No. 22 of 1913-14

Serial No.	
	3) Subo forwarders with a draft to the Chief Court calling for their opinion. Mg.-129 SW 19.7.13
	4) It This is an important matter it seems necessary to consult the Chief Court DY Secy) 1st amended) SPM 21/7 Dy Secy 22/7
	5) Draft appd: by 1st Councillor 22.7.13. MSH In 23/7 Dy Secy 23/7
	Issue SPM 23/7
21	To The Registrar, Chief Court No 1247 dy 25.7.13 Calls for the opinion of the Chief Court in the matter
32	From the Same Offer No 721/48 dy 11/12.8.1913 States for reasons mentioned that the opinion of the Judges is not in favour of the introduction of the Jury System. P.T.O.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat.

CS File No. 22 of 1913-14

Serial No.

7 Draft may be put up after orders on the general principle are passed SPL

6 Draft Recorded the Chief Court letter is put up. In view of the reply given in the Assembly that the system would be tried in Bangalore, Mysore & Shimoga, it is a matter for orders if Govt shares explain its present attitude.

Subs.

Kg.-129 VIII

14.8.13 Dy Secy 18/8/13

8 It seems highly inexpedient that Govt should now withdraw from the definite announcement made to the D.R.A.

9 The Jury System may be tried on a very limited scale at the places referred to in the reply of Govt, provided members of the Bar are not exempted from serving on the jury. With them may be associated other private individuals of more than average intelligence.

It is hardly worth while amending the Code. (S. 320(c))

10 In Bangalore the Sessions Judge used to try 8 classes of offences under the Notf, dated 6th Sept 1890. Of these, the more serious ones of Robbery, House-breaking & Mischief may perhaps be omitted.

Draft as laid 5/8/13

1st consultation

11 I have my own doubts about the efficacy of the System. We may see if this will be brought up again this year & then dispose of the subject.

Ws 20/8/13

19/8/13 Draft 7/8. SPL

NOTE—Contn. sheet.

GPB—88,000—17-6-12.

[. R. S. 12]

General and Revenue Secretariat.

5b

ct File No. 22 of 1913-14

Serial No.

13) This subject, viz, trial by Jury was not brought up this year.

Subd for further orders.

KG.-116
31/10/13 NLL.

1st G) Subd 1/11

14) I have no strong faith in the superior efficacy of a trial by jury and am on the whole inclined to agree with the Chief Court. The measure however is one that appeals to a section of the Public, and if in view of this fact & of the reply given in the Dasara Meeting of 1912, it is considered expedient to ~~not~~ reintroduce it in Bangalore & introduce it in Mysore & Shimoga, I shall not stand in the way.

NOTE—Contn. sheet.

GIE—65,000—17-6-12.

(6

G. R. S. 12]

General and Revenue Secretariat.

(1) File No. 22 of 191 3 111

Serial No.

15) The proposal to alter the provision in the Code so as to allow lawyers to be selected as jurors, is in my opinion, inexpedient.

16) The question may be settled at a meeting of the Council.

Dewan through 2nd Councillor. 4/11/13

by 4/11

6014
10.11.13

7/11 Draw 8/11

17

18) Please bring up at a meeting of Council. This is one of the questions which I think may avail

27.11.13. RC

(Section

Note for meeting

25
27/11

NOTE—Contn. sheet.

GPE—65,000—17-C-12.

GPB—1,000—19-7-13

Extract from the Proceedings of the 309th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 25th Decr 1913.

4. Subject.- (Clause ii of the Schedule).

Introduction of the Jury system in all sessions cases.

OPINION OF THE COUNCIL.

(19) Further information may be collected on the point and the question brought up in July next.

x x x x

(Signed) M.Visvesvaraya
DEWAN OF MYSORE.

"Extract"
D. M. Narasinga Rao
Sg. Secretary to Government.

[G. R. S. 12]

General and Revenue Secretariat.

05 File No. 22 of 1913-14

Serial No.	
20	Brought up at the meeting on the 1st December 1913, but not taken up for want of time.
21	The opinion of the Council is put up. Further information should be collected on the point and the file resubmitted by the Branch concerned about the middle of June next. Dresse 28/12/13
22	A draft inviting the opinions of district magistrates & Sessions Judges on the proposal to prescribe trial by jury in a few select cases out of those referred to in the previous Notification may be put up. The Chief Court may be requested to collect such opinions & forward them to Govt. together with their remarks. The draft letter may give a short history of the local jury system. Dresse 24/2. SP/
23	Draft as above is Subd Kg. -116 7-3-1914
24	An alternative draft as directed by the Asst Secy in person & put up. Kg. -116 7-3-1914
25	Draft as revised by the Secretaries & approval Dr Sen) SP/ 11/3
26	A tidy draft as revised may be put up Dresse 12/3

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

27 Rdy draft Sub.
Leg.-116
12/3/14 NM

Dy Secy) Sd/- 13/3

Forest Member) Dy Secy 16/3

28 The alternative revised Rdy draft is approved.

17/3/14 Dy 18/3

29 Issue 18/3

3 To The Registrar, Chief Court
No J 2834 & 30.3.1914

Requests him to obtain the opinions of all the Dist. Magistrates and the Sessions Judges as to whether the Jury System may not be reintroduced in respect of some of the offences and forward them to Govt with the opinion of the Judges of the Chief Court.

30 The opinions called for have not been recd. According to the direction of the Council, the question has been placed before the Council this morning.

31 Draft to the Registrar, Chief Court, calling for the opinions &c Sub.
Leg. 716
4.7.14 NM

32) Approved
Sd/-
6/7/14

Reminder no J 478

P.T.O.

NOTE Contn. sheet.

C P B—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

File No. 22 of 1913-14

Serial No.

32) Opinions called for have not yet been received. Subd with refee to paras 19 and 21.

Rq. 716
17.7.1914

Rec
17.7.14

Secretary

33) There is no use of placing this file before the Council in an incomplete shape. The opinion of the Council that this file may be brought up again in July presupposes that all the required information will be ready by then.

~~34)~~ Please take necessary steps to collect the information fully as early as possible.

Issue
18/7

Rec
18/7

35) Subd Another reminder to the Registrar, Chief Court, is put up.

Rq. 716
18/7/1914

36) Issue
Rec
18/7

ISSued No J 172 dy 18.7.1914

From The Registrar, Chief Court-
No 571/42 dy 1/2.8.1914

States that the Chief Court has arrives to the opinion expressed in ¶ 2 and forwards the opinions of the Sessions Judge and Dist. Magistrate.

37) Of the three Sessions Judge, the Sessions

NOTE—Contn. sheet.

GPB—60,000—7-11-13

D.T.O.

G. R. S. 12]

General and Revenue Secretariat.

CS File No. 22 of 1913-14

Serial No.

Judge of Bangalore is decidedly not in favour of the introduction of the Jury system while those of the Mysore & Shimoga Divn are in its favour.

(5) Of the District Magistrate, the District Magistrate of Kadur is not in favour of the system, at any rate in the mofussil Divn. The District Magistrate of Shimoga is also of the same opinion. A suggestion is however made by him to extend the system to cases of culpable homicide, if Govt decide to introduce the system. The Dist. Magistrate of Hassan, Kolar and Chitaldrug recommend its introduction in cases tried in the cities of Bangalore & Mysore only while those of Tumkur, Mysore & Bangalore are agreeable to the introduction of the system in all Sessions trials of certain offences in all the towns.

Subd.

Reg.-116
14.8.14

(6) The Judges of the chief court adhere to the opinion expressed in their letter of 11-8-1913. They also state that the Jury system is an institution "which it is not desirable to introduce generally."

Pay V

NOTE—Contn. sheet.

GPB—60,000—7-11-13

General and Revenue Secretariat.

ab File No. 22 of 191 3-14

Serial No.

of the ~~District~~ Sessions Judges. The Sessions Judge Bangalore, objects to the introduction of the Jury system on the grounds that some ~~people~~ persons have condemned it, and that in one case the decision was perverse.

(2) The Sessions Judge of Mysore is quite in favour ~~with~~ of the introduction but says that the requisite number of Jurors could be found only in Mysore, but not in Hassan, that jury cases in Hassan are small, ~~& that~~ he invites the attention ~~of him~~ to the very important that the cases now proposed to be tried are all triable by assistant Sessions Judges, that it would be unsafe to invest them with powers to handle a jury.

(3) The Shimoga Sessions Judge does not discuss the question but approves of the introduction.

EB
4/4

Dist. Committee)

My view is given on P. 5 of the Notes. The matter may be placed before the Council

NOTE.—Contn. sheet.

GPB—60,000—25-9-13.

G. R. S. 12]

General and Revenue Secretariat.

C/5 File No. 22 of 1913.

Serial No.

for Consideration.

1420
8-9-14

5/9/14

64 This may be discussed at a Meeting of Council.

12.10.14.

27/10

27.10.14.

GPB—1,000—19-7-13

(14

Extract from the Proceedings of the 338th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 18th November 1914.

3. SUBJECT. - (Clause viii of the Schedule).

Introduction of the Jury system in Sessions trials in Mysore.

OPINION OF THE COUNCIL.

Trial by jury may be introduced in Bangalore and Mysore. Detailed rules may be framed in consultation with the Chief Court.

Sd. M.VISVESVARAYA,
Dewan of Mysore.

"Extract"

D. M. Narasimha Rao.

Offg. Secretary to Government.

(15

G. R. S. 12]

General and Revenue Secretariat.

File No. 2 of 191

Serial No. 1

A draft Submission Note is put up.

D. M. Narayanrao 23/11

(Diwan)

2785
23-11-14

I should be obliged if a third Note comes from the First Member on the important matter

10.12.14 LO

First Member)

Dewan 9/12/14

Should not this have been sent to me for a 'final' Note after the Council resolution was passed! I think that would be the most convenient procedure to follow in all cases referring to departments allotted to me.

12/12/14

Secy.

The rule has not come into full operation owing to want of subsidiary Sanctions necessary for obviating delay &c. I am taking action separately in this matter. A draft final Note is put up

Dewan 9/12/14

First Member)

Final Note approved by First Member is put up. Dewan 9/12

28/12/14

NOTE—Contn. sheet.

GPB—25,000—2-11-14

(16)

G. R. S. 12]

General and Revenue Secretariat.

File No. 22 of 191..

Serial No.	
	Submitted to the Dewan with a Final Note from the First Member of Council.

3568
30.12.1914.

Dewan

Dewan Bahadur
29/12

NOTE—Contn. sheet.

GPB—25,000 2-12-14

17

D. O. No. 277/S in the file

Bangalore,
18th February 1915.

Dear Mr. Srinivasa Iyer,

54) The Dewan will be glad if you will kindly prepare the draft of a submission note on the proposals made in the accompanying file on the introduction of Jury system in Mysore. The note may briefly refer to the history of the system in Mysore and in British India and with the safeguards against a failure of justice. Reference may also be made to the popular demand made through the Representative Assembly for the introduction of this Syste-

Yours sincerely,

S Srinivasaiyer

G. Srinivasa Iyer Esqr., B.A., M.L.

(18)

F. R. S. 12]

General and Revenue Secretariat. (C) File No. 23 of 1913-14

(18)

Mysore
29.10.1915

Dear Mr. Hiriyanna,

I send herewith a short note on (55) the system of trial by jury in British India. The draft Submission Note which is in the file and which is approved by the Secretary, gives accurately the history of the case in Mysore. The information as regards British India could not be had in any of the text books and had to be gathered from various reports and speeches, as represented by you in person. I have not quoted Sir James Stephen's arguments as they will occupy a number of pages. If necessary, I shall send a copy of the speech separately for reference. I regret very much the delay

in Submitting the note, which, I request,
may kindly be secured.

Yours Sincerely
Ramaswamy

S Hariyanna Esq M.A., B.L.,

NOTE—Contn. sheet.

50) As regards British India the system of trial by jury in criminal cases has been in force in some form or other from a long time. Under the Regulating Act of 1773 - all offences of which the Supreme Court had congisance had to be tried by a jury of --- British subjects resident in Calcutta. Similar provisions are to be found in the constitution of the Supreme courts of -- Bombay and Madras. As regards the rest of British India, the first experiment tried - was in 1859 when the first Criminal Procedure Code was passed. Under this Code, criminal trials before courts of sessions had to be by jury which should consist of 4 or more persons as might be directed by the Court. If the jury were unanimous in a verdict of guilty, and the court concurred in such a finding, the accused should be convicted. If the jury were equally divided, the court should direct whether the accused should be convicted or acquitted. In all other cases, the accused should be acquitted.

51) In 1870, when the Criminal Procedure Code was proposed to be amended, Sir James Stephen the then legal mumber, sounded a note of doubt as regards the success of the experiment, and the arguments now advanced against the system in the notes in this file are but feeble echoes of the ones advanced by him at great length in powerful language. His speech as reported begins thus:- " He should be very glad to be informed as to the degree of success which so remarkable an experiment had obtained. There were ----

were certainly some considerations which had led him to suspect that the institution of trial by jury was not adopted to this -- country". Later on he expreses in detail his objections. But in spite of this, the Select Committee of which he himself was a member, came to the conclusion that the jury system should not be abolished but that the opinion of the majority of the jurors with the concurrence of the Judge should decide the case, and that if a Judge differed from the verdict of the majority of the jury he should have power to refer the case to the High Court which might pass such orders as it thought fit.

58) On account of the perverse and monstrous verdicts given in many of the cases in Bengal, it was proposed in 1894 to restrict the system of trial by jury, and this gave rise to a considerable disturbance in the country, and the Government of India appointed a very strong commission known as the Jury Commission to consider the question, and the opinions of eminent judges and lawyers were also called for. The Commission did not recommend the abolition of the system, but proposed only certain safe-guards against possible miscarriage of justice from erroneous verdicts of jury. Men like Sir J. Muthsamy Iyer came to the conclusion that it was not desirable to abolish trial by jury and that it was sufficient to safe-gaurd it. The law

was then amended as it is now in force in British India.

59 In this connection it is submitted that though the principle underlaying the system of trial by jury is not one entirely foreign to India. The principles cannot be held to be different from what are found in institutions like those of Panchayats, Arbitrations and Parishads which are in existence in India from time immemorial.

59
29.10

(23)

Final Note by the First Member of Council.

Subject:—

Introduction of the Jury system in Mysore.

---

60) The accompanying papers relate to the question of introducing into Mysore the system of trial by jury in Sessions cases.

61) The system of trial by jury was introduced tentatively in 1886 with respect to certain specified offences coming up from the Nandidroog Division for trial before the Chief Court sitting as a Sessions Court. When a separate District and Sessions Court was established at Bangalore in 1890, the continuance of this practice was authorised but the number of offences to which it was applicable was restricted. On the abolition of this Court in 1898, its original jurisdiction again came under the Chief Court and the procedure introduced in 1886 was resumed. In 1903 a District and Sessions Court was re-established at Bangalore, and the question of having a jury for trials before that court came up for considera tion. His Highness was inclined to favour the introduction of the practice to the Sessions Judge's Court; but on

(24)

the recommendation of the Dewan and the Chief Judge at the time, it was ultimately decided not to revive the -- practice.

62) This subject was mooted in the Representative ---- Assembly in 1907 and 1912 and on the latter occasion -- a definite hope was held out that the system of trial by jury would be tried at Bangalore, Mysore and Shimoga.

63) As an important matter materially affecting the - procedure in Sessions trials, the opinions of the Chief Court, the District and Sessions Judges and the District Magistrates have been obtained as to the desirability of introducing the jury system. The Chief Court are not in favour of it. They consider that, apart altogether from questions of possible corruption, it is not likely that the opinion of perhaps three out of five men on the facts will be right rather than that arrived at by the Judge, with the aid of assessors, and liable to correction by a court of appeal. The majority of the other officers -- consulted, however, are of opinion that the system may be tried at least in Bangalore and Mysore.

64) Personally I have no strong faith in the superior efficacy of a trial by jury, and am on the whole inclined to agree with the Chief Court. The measure however is one that appeals to a section of the public. In ---

(25

In view of this fact and the reply given at the Representative Assembly in 1912, I think that, as resolved in -- Council, the Jury system may be introduced in Bangalore and Mysore where eligible men are available to serve as jurors, detailed rules for bringing it into operation -- being framed in consultation with the Chief Court.

27/12/14

H. Manjunadayya

First Member of Council.

(26

Submitted to His Highness.

65 I submit herewith a 'Final Note' by the First Member of Council regarding the introduction into the State of the system of trial by Jury in Sessions Cases. The system of trial of criminal cases by Jury has been in vogue in British India in some form or other from a long time. The Jury Commission appointed by the Government of India to consider this question did not recommend the total abolition of the system. With proper safeguards the scheme is expected to work satisfactorily. The office note in the file gives the history of the system in British India.

66 2. In these circumstances, I solicit His Highness's gracious sanction to the recommendation of the Council to introduce the system of trial by Jury in Bangalore and Mysore in the first instance. In view of the opinion expressed by the Judges of the Chief Court the system may be tried tentatively for two years. Detailed rules in this behalf will be framed in consultation with the Chief Court.

M. Visvesvaraya
30th Nov. 1915.

(27)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Introduction of the system of trial by Jury in Sessions Cases in Bangalore and Mysore.

538

Order.

67 ~~KRM~~

14/12/15

Lundis

14.12.15 do

15/12/15

Draft. & Chief a.

426-14

28

(28)

G. R. S. 12]

General and Revenue Secretariat.

C5 File No. 22 of 1913-14

Serial No.

68) Draft of a G.O. addressed only to the Chief Court in Mdy.

Hg. NU
21/12/15

69) For approval

EB 22/12

First Member)

Please make out a state-
ment showing side by side the
differences between trials
with assessors & trials by
70) jury. It may be possible
to make assessors partake
of the character of jurymen
& a larger extent & giving
their opinions a larger
degree of force than at pre-
sent. We may then be
able to remove the jury
provns altogether from our
Code.

72) There is much force
in the views against the
jury system being intro-

may be considered after my return

23/12

P.S. (To show Draft Cr. P. Code)

NOTE—Contn. sheet.

GPB—20,000—30-6-15

Serial No.

duced, and the weight of opinion (though perhaps not the number of persons voting) is very strong against it. I should hesitate to go against it without serious consideration.

22/12/15

73) I have noted down points for a drastic change in Criminal Procedure. Please make out a ~~bill~~ memo. (or a bill) of alterations required in the Cr. Pr. Code to bring about these changes into force.

74) We shall have to prescribe that the Police investigating officer shall be of a higher class than the present ordinary Police Inspector.

16/1/16

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

Court of Sess.

121, 122, 123, 124, 121A.
125-128, 130-32, 134,
194, 195, 201, 211, 212,
214, 218-221, 222, 225,
226, 231, 232, 238, 244, 245,
255-88, 281, 302-303-304
305-8, 311, 314-17, 327-31,
333, 364, 366-68, 370, 371,
376, 386-89, 395-400,
402, 412, 413, 432,
436-34, 469, 480,
459, 460, 466-7,
471-77A, 489A-D,
493-96,

103 or 1/4 of the Offences.

No Magisterial trials in Sess Cases. (A Sheet) B & C Sheet Cases, to be submitted to Magts 1st or 2nd Cl. → Calendars to go to Sess Judges.

Sess. Cases.

All trials to be before Judge & Jurymen.

No of Judgments to be 3 or 5, (31) acc^g to offence is more serious or less serious. (Sections to be enumerated under each head).

When Judge & Jury agree, decision to follow.

If they do not agree, reference to Sh. Ct, who may then ~~either hear the evidence~~ dispose of the case as on appeal.

When there is an acquittal, both Judge & Jury agreeing, no appeal by Govt.

When there is Conviction on agreement, no appeal except as to kind or measure of punishment.

No assessors in any trials.

16/6/16

Hamm
June 1911

Draft memo sent to Cab 29 June 1911.

(G.R.S. 13)

32

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(9) The object of the proposed change is to make assessors partake more of the character of jurymen, and to give them opinions larger degree of force than at present. In short, the proposal amounts to the doing away with the distinction between jurors and assessors. The only argument that supports this view seems to be the fact that no such distinction is to be found in the western Countries. But the very fact that the wholesale introduction of jury system of the West is considered unsuitable to the Eastern Country, and that even the modified system as introduced in respect of a particular class of offences has not been introduced in this State or throughout

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-

G.R.S. 13]

(3/4

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

~~educated~~ non-official class of persons to choose jurors from. If the members in legal profession are ~~left out of~~ consideration, the number available will be very little. Many of our judges have had no practice in public speaking & may find it difficult to do without injustice in numerous intricate facts. Further the summing up has to be recorded and transmitted. Sketching counsel when writing from memory or from notes, the record is not likely to be accurate or precise, and might include what he wanted to say not what the jury supposed him to have said. Thus the Sys Com requires careful handling, and can be adopted only as an experimental measure from time to time ~~but incomplete~~ and the results require to be watched before a complete innovation is made.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-14

(35

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(1) When it has been found that the Indian Jury are prone to acquit accused in cases of homicide, and accordingly in many Provinces, trial by jury is confined only to cases of offences against property.

(2) When as regards the suggestion that there should be no magisterial enquiries in Sessions trials, it is submitted that the proposal if adopted will be opposed to all the principles of criminal jurisprudence. The object is no doubt a very laudable one, as the proposal aims at simplicity, quickness, and immediate disposal by the Court. The object of a preliminary enquiry is to discover whether there is such evidence against the accused as raises a strong or probable presumption of his guilt. The Magistrate should record the evidence and formulate the charge.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-14

G.R.S. 13]

(36

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

In England, there is not only a preliminary enquiry before the Justices after a case in petty Sessions, but also an enquiry by the Grand Jury before a ~~trial is~~ case is tried in the Court of Assizes. The Grand Jury do not try the case but consider whether a true bill is made out. They find a true bill only if there is a prima facie case. It is only after an indictment is drawn by the Grand Jury that a man is put to the indignity of standing in the dock which alone carries with it ~~the word~~ a stigma. Even in France where there is no grand jury, where the Juges d'Instruction are clothed with extraordinary and despotic powers, there is a preliminary examination or enquiry before the Magistrate.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-14

(G.R.S. 13]

(37)

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(5) In this view held by Justice Mahmood on this point seems very valuable. He says: "The object of this law in providing that the inquiry shall be held by the magistrate before the accused has to undergo a trial in the Court of Session, seems to be to prevent the commitment of cases in which there is no reasonable ground for conviction. This provision of the law is calculated, on the one hand, to save the subject from prolonged anxiety of undergoing trials for offences not brought home to them; and on the other hand, to save the time of the Court of Session from being wasted over cases in which the charge is obviously not supported by such evidence as would justify a conviction." (5 W.R. Mahmood 161) (See also 3 M 352 at 353)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-14

G.R.S. 13]

(38

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

7) The above views and the two main suggestions are submitted for favour of consideration. As regards the details also, viz, the number of judgments, the effect to be given to their verdict, &c, there are differences of views also among the jurists. These questions may require detailed investigation and consultation of the Judges.

8) If approved, the draft put up in the file may be approved and issued, and these questions may be considered subsequently.

Yours sincerely,
27.5.

Yrs (- Member)

8) The draft is ap-

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-14

426-III

(39

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

proved.

93) Question is when we ~~can~~ rather ~~take charge~~ Naval departures may be dropped -

Decision → 31/3/16

5260
1.4.16

Draft approved by the Dewan - 12.5.16.

94)

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—10,000—10-6-14

P.S.G.

G. R. S. 12]

General and Revenue Secretariat.

File No. 22 of 191 3

Serial No.	
5	To the Registrar criminal courts. No 4556 17th. May 1916 Sirs trial Govt are pleased to direct that the scheme of trial by jury be introduced in Rangoon and

NOTE.—Contn. sheet.

GPB—73,000—17-12-15

2217

(4

CS File No. 229 1913-14

Serial No. 1

Diary No. of letter replied to .....

No. 9247

General and Revenue Secretariat

To

The Registrar,
Chief Court

Sir,

Date of issue 25-7-13

Signed by Mr S P Rajagopal
Chief

I am directed to invite your attention to subject No. 29 of the Proceedings of the Representative Assembly of 19..12.....and the reply of Government thereto in the matter of the introduction of the jury system in Sessions trials

and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date.

List of enclosures .....

Drafted by HG-129 19.7.13

Copied by .....

Examined by .....

I have, etc.,

For *Secretary to Govt.*

22/7/13

22/7

22/7/13

GPB—5-6—7-11-11

No. 121/48

B A N G A L O R E ,

11th August 1913.

From

The R E G I S T R A R of the

Chief Court of Mysore.

To

The S E C R E T A R Y to Government,

General and Revenue Departments,

B A N G A L O R E.

Sir,

With reference to your letter No. J 247-Cts22-13-1 dated 25th July 1913, asking for the opinion of the Chief Court on Subject No. 29 of the Proceedings of the Representative Assembly of 1912, in the matter of the introduction of the jury system in Sessions trials, I am directed to state that the question has been considered by the judges of this Court on several occasions and that their opinions have generally been against the introduction of the jury system. The judges do not think that the experience of British India in the matter of trial by jury any more than the experience of Mysore is such as to encourage them to recommend its adoption in this State. Direction of a jury is, in the opinion of the judges, the most difficult task a judge has to perform; and the possibilities of error in misdirection are so numerous and the possibilities of misunderstanding on the part of the jurors so likely that the judges are convinced that justice is much more likely to be done by a judge controlled by an appellate Court than by an ~~amount of~~ assembly of laymen untrained to law and dependent mostly for their view of the case on the direction given to them by the judge.

I have the honor to be,

Sir,

Your Most Obedient Servant,

Registrar

REGISTRAR

E.S.

187.

Calling for opinion regarding the introduction of the Jury System in Sessions trials

[... R. S. 26]

File No. 2[illegible]/13

Serial No. 3[illegible]

1913

Diary No. of letter replied to .....

Indy dft

No. Jn 834

General and Revenue Secretariat

( )

, the 191 .

To

The Registrar,

Chief Court

Date of issue 30.3.14

Signed by W Rajaratnam Esq

Sir,

Page 2 opposite note

In inviting your attention to subject no 29 of the proceedings of the Representative Assembly of 1912 and the reply of Government in the matter of the introduction of the Jury System in Sessions trials, I am directed to state as follows:-

Flag J

2. The Jury System was first tentatively introduced in 1886 into

P.T.O. over.

SUBJECT.

the Nundydroog Divn. Where the Sessions work of that Divn was being done by one of the Judges of the Chief Court. And when a Separate Dist. & Sessions Court was established at Bangalore in 1890 it's Cognizance only in the Bangalore Dist. was authorized in respect of a limited number of offences - vide Notfn no 229 of the 6th Sepr 1890. R

On the abolition of the separate Dist and Sessions Court and the re-transfer of its original jurisdiction to the Chief Court, the system introduced in 1886 was again adopted; but trial by Jury was not revived when the Dist & Sessions Court was reconstituted at Bangalore in 1903.

3. The subject of trial by jury has been ~~urged~~ mooted in the Representative Assembly. I am therefore directed to request you to obtain the opinions of all the Dist. Magistrates & the Sessions Judges as to whether it may not be introduced in respect of some at least

List of enclosures.

Copied by

Examined by

GPB—25,000—8-8-11.

(G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

(45.

of the Offences specified in Notification No 229 dated 6-9-1890 and forwards them to the Govt at an early date with the opinion of the Judges of the Chief Court thereon.

I have &c

17/3/14

Secy
16/3

for Secy to Govt

12-3-14

Ed M

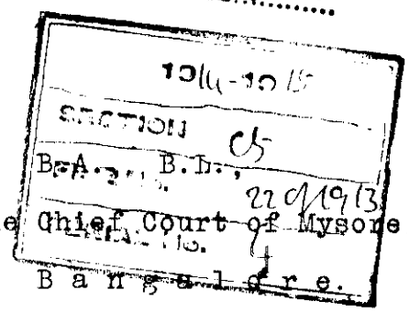
Collector 21/3

No. 511/42

B A N G A L O R E.

Dated 1st August 1914.

DIARY No. J 426



From

T. VENKOBA RAO Esquire, B.A., B.L.,
Ag: Registrar of the Chief Court of Mysore,
Bangalore.

To

D.M. NARASINGA RAO Esquire, B.A., B.L.,
Offg: Secretary to the Government of Mysore,
General and Revenue Departments,
Bangalore.

S i r,

Adverting to your letter No. J. 2834/Cts. 22-13-3 dated 30th March 1914 calling for the opinion of the Chief Court on subject No. 29 of the Proceedings of the Representative Assembly of 1912 in the matter of the introduction of the jury system in Sessions trials, I am directed to state that the Chief Court as now constituted sees no reason to change its opinion expressed in letter No. 721/48 dated 11th August 1913 and remains opposed to the proposal. The Judges are unable to gather from the reports of District Judges and District Magistrates that those officers who express themselves as not opposed to the introduction of the system, have any strong reasons to advance in favour of it or have any

very

(47

very strong desire to see it introduced.

It is of the essence of a trial by Jury that the verdict on the facts should be ~~fixm~~ final, and apart altogether from questions of possible corruption, it is not likely that the opinion of perhaps three out of five men on the facts will be right than that arrived at by the Judge, with the aid of assessors, and liable to correction by ~~the~~ a Court of appeal. People, no doubt, have a vague sort of sentiment that a trial by jury is favourable to the liberty of the subject; but whatever value it may have had in the West, and may still have there (though in England it is by no means universally admired at the present day), it has, as modified for use in British India, shown itself so far an institution which it is not desirable to introduce generally. To introduce it as in England where a unanimous verdict of twelve men is required, would be it is believed impossible in the circumstances of the country.

The opinions of Sessions Judges and District Magistrates are herewith forwarded.

I have the honour to be,
Sir,
Your most obedient servant,

W. Callender

N.G.

Ag. REGISTRAR.

1913/14 Regd. No. 4011

GPB.—100,000—7-8-13 478

1913-14.

From

R. B. Plumer Esquire, Bar-at-law,

Sessions Judge, Bangalore Division.

To

V, A. Rajaratna Mudaliar, Esquire,

Registrar, Chief Court of Mysore,

Dated 14th
Despatched 23rd } April 1914
Received 24th

General No. 3395

No. 469

Enclosure No.

Sir,

With reference to the Chief Court Circular No: 3975-85/272 dated 1st April 1914, calling upon the Sessions Judge, Bangalore, for his opinion in the matter of re-introducing the system of trial by Jury in re-certain offences specified in notification No:339, dated 6th September 1900, I have the honour to submit as follows:-

2. The sections, offences under which, it is suggested, may be made triable by Jury, are Sections 379-381, 384 and 385, 392-395 and 397-402, 411-414, 451

, 453, 454-459 and 462, 429-433 and 435-440 and abetment
the said offences, when the said offences are tried before
Court of Sessions,

Of these, 379 - 381

384 - 385

392 - 394

401 ——

411 - 414

429 - 432

435 ——

451 - 452

454 - 458 & 462

All triable by a First Class Magistrate, several by 1st or Class or 2nd class Magistrates, and some even by a 3rd Class Magistrate. (E. g - 379 and 451 offences under any of these sections are very rarely committed to Sessions at all.) The remainder are purely Sessions cases being offences against property of an aggravated nature as when accompanied by ----- grievous hurt.

3. I can see absolutely no reason why any of the latter class should be differentiated from offences such as murder or culpable homicide not amounting to murder which are excluded from the category.

4. If the personel of the Jury is not considered

competent

(50.

competent to deal with these excluded offences, it certainly is not fit to be trusted with the decisions of those purely Sessions Cases which have been excluded.

5. In respect of the others, it seems to me quite --- unnecessary to alter the existing method of trial. Moreover, it is already sufficiently difficult at the trial of an important Sessions Case to get together three assessors whose opinion will be based intelligently on the evidence and summing up. Their opinions are seldom of much assistance to the Court, and they are frequently most perverse and almost invariably based on local opinion outside the Court or swayed by pure sentiment.

6. The Jury system has not been found an unqualified success even in England and there are many Judges who view it with marked distrust and disapproval.

7. In British India, I have personally known one instance of gross failure of justice through a perverse Jury decision and it is a well known fact that in this system there is not altogether a success.

8. In my opinion, the system is entirely unsuitable in this country to the purpose to which a trial is directed Viz., that of securing even-handed justice by decisions formed on

legally

legally admissible evidence and on nothing else, unswayed by sentiment or by public opinion outside the Court and free from all suspicion of inducement or persuation. Decisions of that character will not often be secured if the system of trial by Jury is introduced.

9. I am therefore of very decided opinion that its introduction is inadvisable.

I have the honour to be,

Sir,

Your most obedient servant,

D B Kennedy.

Sessions Judge.

Ltee

1413/14 Regd. No. 4051
1913-14. 508

From

Mir Hamza Husein, Esquire, B.A., B.L.,

Sessions Judge,

Mysore Division.

To

V.A.Rajaratna Mudaliar, Esquire,

Registrar of the Chief Court of Mysore,

Bangalore.

Dated 25th)
Despatched 27) April 1914.
Received 28th
General No. 5317
No. 538

Enclosure No.

Sir,

With reference to your C.No. 3775-85/272 dated 31st March 6th April 1914 forwarding copy of letter No. J 2834/Cts. 22-13-3 dated 30th March 1914 from the Secretary to the Government of Mysore, I have the honour to state that I am quite in favour of the introduction of the Jury System in respect of cases mentioned in Government Notification dated 6th September 1890, in the District of Mysore.

In the Mysore city the requisite number of Jurors may be found at any time, but I am not so sure of Hassan. The current list of assessors of the Hassan District contains only the names of 65 persons of whom 21 are Government officials. There will be a considerable reduction in the number when the Jury list is prepared.

But

53

But there is also this fact that the number of cases from the Hassan District relating to the crimes to which the Jury system is intended to be extended is very small. The figures compiled in this office show that out of 29 cases tried by the Court of Session at Hassan during the last five years, there was not a single case falling under any of the sections mentioned in the Notification adverted to above.

As regards the capacity of the people to serve as Jurors, my experience of the assessors shows that they are quite able to appreciate evidence and arrive at correct conclusions.

In the trial of offences other than murder and culpable homicide, there has been hardly any difference of opinion between myself and the assessors during my experience as Sessions Judge for nearly 4½ years.

But there is one point that deserves the consideration of the Government. All the cases to which it is proposed to extend the Jury System are triable by the Assistant Sessions Judges. If all such cases are transferred by the Sessions Judges for trial to the Assistant Sessions Judges, as is being done now, then the trial of the experiment will be left entirely in the hands of the latter. If, on the other hand, the Sessions Judge alone is ordered to try these cases, his work will considerably increase and the Assistant Sessions Judges will have no Sessions work whatsoever.

It has further to be considered that

whilst

whilst there are Assistant Sessions Judges who are quite capable of handling a Jury, there are others who might commit serious mistakes involving a re-trial of the accused.

I have the honour to be,

S i r ,

Your most obedient servant,

Sessions Judge.

1913/14. Regd No. 38407/336

GPB.—100,000—7-8-13

191

From

B.S. Krishnaswamiengar Esquire
B.A. B.L.
Sessions Judge
Shimoga Division

To

V.A. Rajaratna Mudaliar Esquire
Registrar of the
Chief Court of
Mysore, Bangalore

Dated 8.4.14

Despatched 9.4.14

Received 13.4.14

General No. 2146

No. 417

Enclosure No. nil

His No: 3975-85/272 of 31-3-1914/6-4-1914

Has the honor to state that in the opinion of the undersigned the system of trial by jury (consisting of five persons) may well be introduced in respect of all the offences mentioned in para 1 of Government Notification No: 229 dated 6th September 1890.

B.S. Krishnaswamy
Sessions Judge
Shimoga Div

1913/14 Regn. No. 3437/2136

1914

From
The District Magistrate
Bangalore

To
The Registrar of the Chief Court of Mysore

Dated 17. 4. 14

Despatched

Received 17 4 14

General No. R 6040.
No.

Enclosure No.

Sir

With reference to your Memo No. 3975-85-272 of the 31st March 1914, forwarding for opinion copy of Government letter No. J. 2834/etc 22-13-3 dated the 30th March 1914, in the matter of the introduction of jury system in Sessions trials, I have the honor to state that there is no objection to trials by jury in the Sessions Courts

GPB—60,000—26-9-12

Courts in cases specified in Government-
Notification No. 229 of the 6th September
1890.

I have the honor to be
Sir
Your Most obedient Servant
M. Srinivasulu
for District Magistrate
Bangalore District

Verm
17/4.

1913/14 Regd. No. 3964/2158

1914.

From The District Magistrate,
Kolar District

To The Registrar of the
Chief Court of Mysore
Bangalore

Dated 16th April 1914.

Despatched

Received

General No.

No.

Enclosure No.

Sir,

With reference to your memo No. 3775-85/272 dated 31st March 1914 calling for my opinion, in the matter of the introduction of the Jury System in Sessions Trials, as required by the Secretary, General and Revenue Departments in his letter No. J. 2834/Cts. 22-13-3 dated 30th March last, I have the honor to state that I have

GPB—50,000—26-9-12

Some

Some hesitation in recommending the introduction of the System generally, as outside, perhaps, the Cities of Bangalore and Mysore, it is very difficult to secure Competent persons to serve as jurors and to be entrusted with the responsibilities devolving upon the jury. Seeing however, that the System was in vogue in the Bangalore District even so far back as twenty three years ago, I think it may be introduced in Sessions trials in Bangalore and Mysore in respect of the offences specified in notification no. 229 dated 6th September 1890 and the results watched. I am of opinion that it is inadvisable to go further at once and extend the jury System throughout the State or even to the trial of all offences in Bangalore and Mysore.

I have the honor to be,
Sir,
Your most obedient servant,

for District Magistrate,
Bgv. [illegible] District

1914/15 Memo. No. 19/8

1913-14 60

From

The District Magistrate
Tumkur District

To

The Registrar of the Chief Court
of Mysore,
Bangalore.

Dated 30th June 1914

Despatched 2nd July 1914

Received 3/7/14

General No.

No.

Enclosure No.

Sir,

Referring to your official memorandum No: 3975-85/272 dated the 31st March 1914, Calling for my opinion in the matter of the introduction of the jury system in Sessions trials, I have the honour to state that the list of offences for which jury system was applied in the Mandidoorg division is extensive and it is doubtful whether men of the required qualifications will always be forthcoming in the mofussil to serve on the jury. The jury system is no doubt an improvement over

GPB—50,000—8-1-18

Sent with a precis of the Opinions - The opinions have to be forwarded to Govt - with the opinion of the Chief R. thereon - Please see Secy's letter dated 30th March 1914.

3/7/14.

over the existing system of trials with the aid of assessors, and I am of opinion that for the present its application may be restricted to offences punishable with death and to offences of Dacoity and Highway Robbery. As regards the trial of other offences mentioned in the Copy of Government Notification received with your Memo under reply, no change seems to be necessary and the present system of trial with the aid of assessors may continue in respect of them.

I have the honour to be
Sir,
your most obedient servant

[signature]

District Magistrate.

1913/14 Regn. No. 3931/2134

17-4-14

1641

District Magistrate's Office,
Mysore District
Dated Mysore 14th April 1914.

From,

C. Subramania Iyer, Esq., B.A.,
District Magistrate,
Mysore.

To,

The Registrar of the
Chief Court of Mysore.
Bangalore.

Sir

With reference to your Memo —
No. 3945-80/299 dated 6-4-14 forwarding for my opinion copy of letter No. G. 2934/Ch. 22-13-3 dated 30-3-1914 from the Secretary to the Government with regard to the trial of cases by Jury, I have the honour to state that in my opinion the marginally noted offences out of those mentioned in the Notification No. 229 dated 6-9-1890 enclosed in your Memo may be tried by Jury.

I have the honour to be,
Sir,
Your most obedient Servant

C. Subramania Iyer

for District Magistrate.
Mysore District

CS

191

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

I Theft under Secs. 379, 380 & 381 under I.P.C.

II Receiving Stolen Property 411, 412 & 414 of I.P.C.

III House Breaking &c under Secs: 451, 452, 454 to 459 and 462 I.P.C.

IV Abetment of any of the above offences.

V Habitually dealing in Stolen property.

GPB—50,000—26-9-12

1913/14 Regd. No. 4069/2219

1913-14.

From

P.R.W.Wetherall Esquire,

District Magistrate,

Hassan.

To

V.A.Rajaratna Mudaliar Esquire,

Registrar, Chief Court of Mysore,

B A N G A L O R E .

Dated 30th April 1914.

Despatched

Received

General No. 364

No. Final

Enclosure No. Nil.

Sir,

Adverting to your circular No 3975-85/272 dated 31st March/6th April 1914 forwarding copy of letter No. 2834/cts 22-13-3 dated 30th March 1914 from the Secretary to ~~XXX~~ Govern--ment General and Revenue Departments with its enclosed copy of Government Notification No 229 dated 6th September 1890 for my opinion regarding the introduction of the Jury System in Session Courts as mooted in subject No.29of the Proceedings of the Repre--sentative Assembly of 1912, I have the honor to state that, I feel some doubt as to whether the system of trial by Jury will at present be found workable in all Sessions Divisions of the State, as the non-official element at Head Quarters towns of Districts is not yet sufficiently advanced to ensure success to the proposed system. But the system

GPB—50,000—8-1-13

may

may be given a trial when cases relating to offences mentioned in the above quoted Government Notification are tried in the cities of Bangalore and Mysore, where the necessary non-official educated element is sufficiently available.

I have the honor to be ,

Sir,

Your most obedient servant.

W. Elderall

District Magistrate,

Hassan .

H.N.R.

No. 5420

Office of the District Magistrate,

Shimoga District.

Dated Shimoga the 8th April 1914.

From

K. Matthan Esquire, B.A.,

District Magistrate,

S h i m o g a .

To

V.A. Rajaratna Mudaliar, Esquire.,

Registrar of Chief Court in Mysore,

Bangalore.

Sir,

With reference to your memo. No.3975-85/272 dated 31st March / 6th April 1914, asking for my opinion on the subject of introducing the system of trial by jury in Sessions trials, I have the honour to state as follows:-

2. The proppsal appears at first sight to be an attractive one, as the system of trial by jury is frequently considered to be the mark of a progressive administration, and it canot be denied that in intelligence, general education and public spirit our people are not inferior to their brethern in these parts of British India where this system exists. But I cannot think of any particular advantage to be gained by introducing the system except that of assimilating our procedure to what obtains in British India. And the best method of dealing with the present question would seem to be to obtain the opinions of Judges and Magistrates in British India who are familiar with the working of the system.

3. One point that may be mentioned here is that there does not appear to be any wide spread demand for the introduction of the system from the class of people who are liable to be called

to

to serve as jurors. It is very doubtful whether the ordinary business people of the towns from among whom the jurors will have to be selected will welcome the change, considering the amount of time they may have on occasion to devote to serve as jurors.

4. That the findings of the judges in Sessions trials are likely to be less correct than those of " twelve good men and true " will not I believe be seriously put forward by any advocate of the system. One may therefore be permitted to ask what particular advantage is to be gained by its introduction. There will indeed be some finality in regard to the findings on points of fact but this is not an unmixed benefit.

5. Trial by judge and jury is necessarily more protracted than trial by a judge alone. This of course means a certain amount of additional expenditure.

6. If, however, the Government are of opinion that there are advantages in introducing the jury system and decide on doing so, I would suggest that cases of culpable homicide may also be made triable with the aid of jury. If there is one class of cases in which a judge would like to ~~have~~ share the responsibility for the finding with others, I should imagine that it would be in cases where capital sentence may have to be passed. And when a man is on his trial for his life, he may well be given the additional chance of a difference of opinion between the judge and the jury.

I have the honour to be,

Sir,

Your most obedient servant,

Meacham

District Magistrate,

S h i m o g a .

2nd.

SHR.

1913/14 Regn. No. 4078/2220

From 191

The District Magistrate,
Chitaldrug District.

67

To
The Registrar of the Chief Court
of Mysore,
BANGALORE.

Dated
Despatched 1st May 1914
Received
General No. 9.582
No.
Enclosure No.

With reference to his circular memo No. 3775-85/272 dated 31st March /6-4/1914 calling for the opinion of the undersigned in re the introduction of the system of trial by jury etc has the honor to state that the system of trial by jury may be introduced for trial of the marginally noted offences (which are exclusively triable by a Sessions Court) before the Sessions' Courts holding trials in the towns of Bangalore and Mysore only.

(2) It is not desirable to introduce the same into other Districts as it is very difficult to secure the services of suitable persons for the purpose.

Murder from Sections 302 to 307 I.P.C.
Extortion Section 389 I.P.C.
Mischief from Section 436 to 439 I.P.C
Abetment of any of the above offences
Habitually dealing in stolen property Section 413 I.P.C.

District Magistrate
Chitaldrug District

C.N.K.

GPB—50,000—8-1-18.

1913/14 Regd. No. 4410/2391

1914.

From

R. Krishna Iyer Esqr
District magistrate of
Kadur

To

The Registrar
Chief Court of Mysore

Dated Camp Mysore 9th June 1914

Despatched

Received

General No.

No.

Enclosure No. nil

Sir,

In reply to your No. 3975-85/272 dated 31st March 1914, forwarding Copy of letter to you No. J. 2834/Ct. 22-13-3 dated 30th idem from the Secretary to the Government of H. H. the Maharaja of Mysore, Genl & Rev: Departments and calling for an Expression of Opinion in the matter of the introduction of the Jury System in Sessions trials, I have the honor to state that in my Opinion the time has not yet

GPB—50,000—8-1-13

arrived for the introduction of the System
of trial by Jury at any rate in mofussil
districts.

I have the honor to be,

Sir,

Your most obedient Servant,

W Muir

District Magistrate

of Backergunge

S.O.

Trial by Jury in Sessions Cases.

G.R.S. 28]

File No. 22-13

Serial No. 5

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 191 .

Date of issue 17th May 1916

Signed by Mr. N. Madhava Rao

READ—

Subject No 29 of the proce
of the Representative Assembly op
ares the reply of Govt thereto
garding the introduction wit
the State of the system of trial
by Jury in Sessions Cases.

~~ORDER THEREON. No.~~

2. Correspondence ending with
letter no $\frac{571}{42}$ dated 1st August 1914
from the Registrar, Chief Court,
furnishing the opinions of the
Sessions Judges and the District
P.T. over.

SUBJECT.

GPB—50,000—1-12-12

Magistrate together with those of the Judges of the Chief Court in the matter.

Order - No. J 4556/

The system of trial by jury was introduced tentatively in 1886 with respect to certain specified offences coming up from the Nandidroog Division for trial before the Chief Court sitting as a Sessions Court. When a separate Dist. & Sessions Court was established at Bangalore in 1890, the continuance of this practice was authorized but the number of offences to which it was applicable was restricted. On the abolition of this Court in 1898, its original jurisdiction came again under the Chief Court and the procedure introduced in 1886 was resumed. In 1903 a Dist & Sessions Court was re-established at Bangalore but the practice of trial by Jury

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

by the Sessions Court (was not revived.

2. This subject was mooted in the Representative Assembly in 1907 and 1912 and on the latter occasion a definite was held out that the system of trial by Jury would be tried at Bangalore, Mysore and Shimoga

3. As an important measure materially affecting the procedure in Sessions trials, the opinion of ~~the Chief Court,~~ the Sessions Judges and the Dist. Magistrates have also been obtained as to the desirability of introducing the system, a majority of whom ~~the opinion~~ consider ~~Counsels are of opinion~~ that the system may be tried at least in Bangalore and Mysore.

4. This system of trial of criminal cases by Jury has been in vogue in British India in some form or other

for a long time. The Jury Commission appointed by the Govt of Guria to consider this question did not recommend the total abolition of the system. With proper safeguards the scheme is expected to work satisfactorily.

6. Govt are therefore pleased to direct that the ~~system~~ scheme of trial by Jury be introduced in Bangalore and Mysore for the present as a tentative measure for two years.

7. The Chief Court is requested to ~~forward~~ favour Govt with detailed rules for bringing the scheme into operation, including the draft of a notification to be issued by Govt under Section 269 of the Code of Civil Procedure. The date from which the scheme may conveniently be brought into force may also be intimated.

G.P.—16,000—13-11-11

To The Registrar, Chief Court
cc to Sessions Judges

Sr Secy to Govt, Genl Depts.

74

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. J. 4556—Cts. 22-13-5, dated 17th May 1916

Trial by Jury.

Introduction of — in Sessions Cases in Bangalore and Mysore as a tentative measure for two years.

W. D. 2935—GPB—2-6-16—220

No. J. 4556—Cts. 22-13-5, dated 17th May 1916.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

Read—

Subject No. 29 of the Proceedings of the Representative Assembly of 1912 and the reply of Government thereto regarding the introduction into the State of the system of trial by Jury in Sessions cases.

2. Correspondence ending with letter No. 511-42, dated 1st August 1914, from the Registrar Chief Court, furnishing the opinions of the Sessions Judges and the District Magistrates together with those of the Judges of the Chief Court in the matter.

Order No. J. 4556—Cts. 22-13-5, dated 17th May 1916.

The system of trial by Jury was introduced tentatively in 1886 with respect to certain specified offences coming up from the Nandidroog Division for trial before the Chief Court sitting as a Sessions Court. When a separate District and Sessions Court was established at Bangalore in 1890, the continuance of this practice was authorized but the number of offences to which it was applicable was restricted. On the abolition of this Court in 1898, its original jurisdiction came again under the Chief Court and the procedure introduced in 1886 was resumed. In 1903 a District and Sessions Court was re-established at Bangalore but the practice of trial by Jury by the Sessions Court was not revived.

2. The subject was mooted in the Representative Assembly in 1907 and 1912 and on the latter occasion a definite hope was held out that the system of trial by Jury would be tried at Bangalore, Mysore and Shimoga.

3. As an important measure materially affecting the procedure in Sessions trials, the opinions of the Sessions Judges and the District Magistrates have also been obtained as to the desirability of introducing the system, a majority of whom consider that the system may be tried at least in Bangalore and Mysore.

4. This system of trial of criminal cases by Jury has been in vogue in British India in some form or other for a long time. The Jury Commission appointed by the Government of India to consider this question did not recommend the total abolition of the system. With proper safeguards the scheme is expected to work satisfactorily.

5. Government are therefore pleased to direct that the scheme of trial by Jury be introduced in Bangalore and Mysore for the present as a tentative measure for two years.

6. The Chief Court is requested to favour Government with detailed rules for bringing the scheme into operation, including the draft of a notification to be issued by Government under Section 269 of the Code of Criminal Procedure. The date from which the scheme may conveniently be brought into force may also be intimated.

D. M. NARASINGA RAO,
Secy. to Govt., Gen. Dept.

To—The Registrar, Chief Court in Mysore.

Exd.—C. R.